

Home from home?

Experiences of migrant workers in rural parts of the UK, and the impact on local service providers

Foreword

Migrant workers are perceived to be an urban phenomenon. In reality they make a huge contribution to the rural economy, often filling posts where there is no suitable local labour. Without this labour force, many businesses would not be able to work at full capacity and may even look at relocating overseas to remain competitive¹. In the East of England alone, the revenue gains from migrant workers have been estimated at £360 million². Unfortunately many of these workers are exploited and the victims of discrimination by their employers, landlords and the wider community.

This report looks at the changing trends in the use of migrant workers in rural areas and the types of issues which they face. The report goes on to identify the challenges for rural service providers and makes recommendations for Government. These include support for agencies working with migrant workers in rural areas and Government action to ensure compliance with statutory workplace rights through the establishment of a Fair Employment Commission. Such a Commission should be able to take effective enforcement action against rogue employers and employment agencies. This would lead to a reduction in exploitation and discrimination.

Citizens Advice will be looking to work with Government to see if we can find ways to take the migrant worker agenda forward. Rural Citizens Advice Bureau are adapting their services to overcome the challenges that as service providers, they face when working with migrant worker communities. Some of these are described in the report *Supporting migrant workers in rural areas, a guide to Citizens Advice Bureaux initiatives*. Hopefully, with central Government support we can ensure all low paid workers are no longer the victims of exploitation and discrimination.

¹ Breckland Council Press Release, 6 September 2005.

² McLay, S. and Winkelmann-Gleed, 2005, Migrant Workers in the East of England, London Metropolitan University/EEDA.

Inside

| | |
|--|---------|
| <input type="checkbox"/> Background | Page 2 |
| <input type="checkbox"/> Categories of migrant workers | Page 2 |
| <input type="checkbox"/> Distribution of migrant workers in the UK | Page 4 |
| <input type="checkbox"/> Issues raised by the migrant worker labour force in rural areas | Page 7 |
| <input type="checkbox"/> Challenges posed for service providers by migrant workers | Page 14 |
| <input type="checkbox"/> Summary and recommendations | Page 16 |

Background

Migrant workers in the UK

The employment of migrant workers in rural areas of the UK is not a new practice. The use of Irish harvest migrants and the employment of the navy to construct the nation's infrastructure are two illustrations of the historic use of migrant workers in the rural economy.

Today, the use of migrant labour in rural areas is more widespread and the migrant labour force is more ethnically and culturally diverse. This has generated a number of new issues and challenges for the providers of services in rural areas, including Citizens Advice Bureaux.

What is a migrant worker?

There is no universally agreed definition of the term 'migrant worker' with different agencies, bodies and governments using their own slightly different definitions. All the available definitions identify a migrant worker as someone who arrives in the host country to do a particular job or with the explicit objective of finding paid employment.

Such a broad definition embraces a range of situations and circumstances such as the duration of stay, the validating mechanisms involved and the employment status of the migrant. This is reflected in the different categories of migrant worker found in the UK.

Categories of migrant workers

The main groups of migrant workers in the UK at present include:

European Economic Area Nationals

The European Economic Area (EEA) comprises of the European Union (EU) Member States and the European Free Trade Countries of Norway, Iceland and Liechtenstein. EEA

nationals can live and work in the UK without a visa. Family members of EEA nationals are also free to work in the UK even if they themselves are not citizens of EEA countries. EEA nationals employed in the UK are eligible for all social security and social welfare benefits.

The enlargement of the European Union to 25 member states in May 2004 has increased the total EU population by 75 million people, mainly from Member States with a very low level of economic performance. This has therefore increased the potential number of EEA nationals who are eligible to live and work in the European labour market, including the UK. Transitional arrangements currently allow the pre-accession Member States to apply measures to restrict the numbers of workers, but these are only temporary measures. There should be free movement by 1 May 2009 and no Member State will be allowed to impose any limits on in-migrant labour after 1 May 2011.

Work permit holders

The work permit scheme enables UK based employers to employ nationals of non-EEA countries who would otherwise not be eligible to work freely in the UK. Applicants for work permits must be able to demonstrate that they have not been able to fill the post with a resident worker or an EEA national. A work permit has a maximum duration of five years.

The spouse of a work permit holder can take any kind of employment in the UK during the period for which their partner has a valid permit. Work permit holders and their dependants have no right of access to public funds when in the UK.

First Permission Permits enable someone who arrives as a tourist to change their status to an employed person following an application on their behalf by the potential employer.

Workers on the Sector Based Scheme

Introduced in May 2003, this scheme enables work permits to be issued to migrant workers to undertake low skilled jobs in the food manufacturing (fish, meat and mushroom processing) and hospitality (hotel and catering) sectors. Employers must be able to demonstrate that they were unable to recruit resident workers for the vacant posts.

The scheme is open to all non-EEA nationals aged between 18 and 30. Sector Based Scheme Permits last for 12 months but a migrant worker can work in the UK on an indefinite number of permits provided that they live outside the UK for two months between each permit period.

Dependants of Sector Based Scheme work permit holders are not entitled to accompany the permit holder to the UK.

The number of workers eligible to work in the UK under the Sector Based Scheme was reduced from 20,000 in 2003/04 to 15,000 for 2004/05 (9,000 for the hospitality sector and 6,000 for food processing).

Workers on the Seasonal Agricultural Workers Scheme

The Seasonal Agricultural Workers Schemes (SAWS) exists to provide agricultural and horticultural businesses with additional labour during peak periods in the farming year. Participants must be non-EEA full-time students aged 18-25 and the scheme enables them to work in the UK for a six month period in any one year. Many of the countries from which these workers traditionally came, became full members of the EU in the enlargement in 2004. In the 2004/05 period, the number of places available under the SAWS scheme was reduced by 35 per cent to 16,250.

Workers on the Highly Skilled Migrant Programme

This scheme enables highly skilled individuals to migrate to the UK. Eligibility for this programme is determined by a points system with points being awarded for educational qualifications, work experience, past earnings and career achievements. Permits are granted initially for one year but may be extended provided the applicant demonstrates that they have found appropriate employment. Over the period 2002/03, 8,451 successful applications were made under this scheme mainly from four occupational groups – finance, business managers, information technologists and medical services.

Commonwealth Working Holiday Scheme

This scheme enables Commonwealth citizens aged 17-30 to apply for leave to enter the UK as working holidaymakers for a period of two years. Only 50 per cent of that time can be given over to work but, following changes introduced in 2003, working holidaymakers can now work in any sector, move freely between employers and transfer to work permit employment after one year in the UK.

There is no quota applied to this scheme and all applicants who meet the entry requirements can participate. The scheme accounts for a considerable proportion of the temporary migrant labour in the UK. In 2000, 38,500 people came to the UK as working holidaymakers compared to some 25,000 in 1990. Nationals from the old Commonwealth countries – Australia, New Zealand, Canada and South Africa – usually account for the vast majority of participants.

Students

Students from EEA territories do not require permission to work in the UK. Non-EEA students can work for up to 20 hours per week during term time and full-time during vacations. Spouses of overseas students with permission to stay in the UK for 12 months or more are also entitled to work. Graduating

students can switch to work permit employment without having to return to their home country.

Undocumented workers

This category of migrant workers covers individuals working in the UK without a legal right to do so. Many workers in this category have become illegal migrant workers often through breach of entry conditions. This could include tourists on a visitor visa entering employment, permit holders continuing to work beyond the period specified, working holidaymakers who have overstayed or students who have remained in the UK after their visas have expired.

A proportion of the undocumented workers are illegal immigrants who have been smuggled into the country often by criminal elements who aim to profit from the process. Almost by definition, it is the undocumented workers who are especially vulnerable to exploitation and harassment in the rural labour market.

How many migrant workers are there in the UK?

It is difficult to estimate with any precision the number of migrants working in the UK at any one point in time. Part of the problem derives from the difficulty in defining a migrant and especially the distinction between 'foreign born' (those born overseas but who may have UK citizenship) and 'foreign' (those who do not hold UK citizenship).

The Institute for Public Policy Research (IPPR)³ estimates that in 2003, there were some 2,875,000 foreign nationals living in the UK compared with a figure of approximately 2,001,000 in 1993, this is an increase of 43 per cent. Of these, an estimated 1,396,000 were workers compared with a corresponding

1993 estimate of 862,000 workers, an increase of 61 per cent. Despite the apparently large increases, foreign workers still accounted for less than five per cent of all those in employment in the UK in 2003.

The Institute for Public Policy Research went on to estimate that 40 per cent of foreign workers in 2003 were residents of the [then] 15 EU Member States with a further four and a half per cent coming from Central and Eastern European Countries. This compares with approximately nine per cent from India, Pakistan and Bangladesh and six per cent from Australia and New Zealand.

The distribution of migrant workers within the UK

There is not enough information to enable reliable estimates to be made of the profile of migrant labour in rural areas and market towns. Although food processing and agricultural employment account for a proportion of the migrant labour force in rural areas, it cannot be assumed that these are the only or even predominant sectors attracting migrant labour to rural locations.

The available evidence does point towards an uneven geographical distribution of migrants in the UK⁴ with many migrant workers being based in London. However, other regions including the East of England, the Midlands and the South East appear to be recording an increasing proportion of these workers. The Department of Work and Pensions information on the regional distribution of overseas nationals allocated a National Insurance Number by year of registration in the UK over the period 2002/05⁵ reinforces the dominance of London as a major location for migrant labour.

3 Institute for Public Policy Research, Labour Migration to the UK – an IPPR Factfile, IPPR June 2004.

4 Home Office, DWP, ODPM and HM Revenue and Customs, Accession Monitoring Report May 2004-March 2005, Joint Online Report May 2005.

5 The Department of Work and Pensions, National Insurance Number Allocations to Overseas Nationals Registering in the UK 2002/05, Department of Work and Pensions 2005.

Future patterns of migrant labour in the UK

Patterns of labour migration are often analysed in terms of pull and push parameters. Pull parameters include factors such as wage levels and living conditions that make places particularly attractive to potential economic migrants. Increasingly, pull factors also include the policies and programmes of countries that encourage migrant labour as a means of addressing skill shortages in the indigenous labour force that would otherwise act as a barrier to economic growth. By contrast, push factors are analysed in terms of the perceived disadvantages of the migrant's home country including unemployment, low wage structures, limited opportunities for career progression etc. Push factors can also include wider considerations such as political instability, poverty and underdevelopment.

In the current UK labour market, employers continue to identify serious problems in recruitment that prevent them from keeping abreast of the market and/or adapting to new technologies. The National Employers Skills Surveys undertaken by the Learning and Skills Council⁶ identified some 616,880 vacancies in England.

Whilst the most acute shortages are recorded in the skilled trades and associated professions, vacancies are not confined to high-skilled areas alone. Increasingly, vacancies are being recorded in unskilled sectors including construction, hotel and catering.

Although it is unlikely that migrant labour will be capable of filling all such vacancies, it is clear that government policy regards migrant workers as key components in its strategy for the current and future economic prosperity of the country.

Overseas nationals allocated a National Insurance Number by year of registration and region of residence ('000s)

| | 2002/03 | 2003/04 | 2004/05 |
|----------------------|---------|---------|---------|
| North East | 5.5 | 5.9 | 7.4 |
| North West | 21.9 | 23.6 | 31.3 |
| Yorkshire and Humber | 18.1 | 18.6 | 20.3 |
| East Midlands | 13.4 | 16.6 | 23.8 |
| West Midlands | 23.5 | 23.3 | 28.4 |
| East of England | 26.3 | 26.2 | 34.7 |
| London | 50.5 | 156.5 | 171.2 |
| South East | 37.7 | 43.1 | 51.7 |
| South West | 15.7 | 15.9 | 23.1 |
| Wales | 5.4 | 6.9 | 10.2 |
| Scotland | 14.8 | 15.9 | 23.9 |
| Northern Ireland | 2.6 | 4.4 | 5.7 |
| Abroad | 13.9 | 3.8 | 8.1 |
| All | 349.3 | 370.8 | 439.8 |

Source: DWP, National Insurance Number Allocations to Overseas Nationals registering in the UK 2002/05

"We are not and cannot be 'fortress Britain' if our businesses are to grow and prosper and our economy to thrive. We are a stronger player in an increasingly international marketplace and . . . we are successfully attracting the workers that Britain needs."

Des Browne – Immigration Minister
February 2005⁷

The extent to which this policy can be sustained will invariably depend on conditions and circumstances prevailing in labour exporting countries and the objectives and aspirations of potential migrant workers. Personal aspirations, ambitions for self-betterment, broadening horizons, and the pursuit of new challenges will remain a driving force in the decision of many individuals to migrate to countries such as the UK. In some circumstances, the decision is also influenced by enhanced earning capacity that allows remittances to be sent back to the country of origin to support a wider family network.⁸

A significant determinant of future patterns of labour migration to the UK will also be the economic fortunes of labour exporting countries especially the EEA countries. In this

context, a major unknown is the future economic conditions that are likely to prevail in the newest EU Member States. A number of studies,^{9 10} argue that following an early period of increased labour movement, migration from East European Member States to the UK will slow down, partly due to improving economic and social conditions. Such studies also suggest that East European migrant labour preferences are more likely to focus on Germany than the UK.

However, Portugal, which was one of the last Member States to join the 15 Member Union in 1986, is currently a major EU source of migrant labour to the UK. Portugal still faces major economic problems with a rising unemployment rate, a budget deficit and slow economic growth rate. This suggests that the time scale for economic regeneration and recovery in the newest Member States could therefore be far longer than originally envisaged.

The increasing dependence of UK employers on migrant labour and the continuing attractions of the UK as a preferred destination for migrant workers, coupled with

Estimated vacancies by Sector Skills Councils

| | Skills for Health | Skills for Care and Development | People 1st | Construction Skills | Total (all sectors) |
|-----------------------------------|-------------------|---------------------------------|------------|---------------------|---------------------|
| Vacancies due to skills shortages | 9,600 | 8,050 | 16,425 | 13,650 | 145,475 |
| Hard to fill vacancies | 17,300 | 14,875 | 27,900 | 16,725 | 227,175 |
| Total number of vacancies | 40,450 | 33,025 | 79,600 | 31,825 | 616,880 |

Source: Learning and Skills Council, 2005, National Employer Skills Survey 2004: Main Report.

⁷ Des Browne, Extract from the Home Office Press Release at Launch of Accession Monitoring Report May 2004-December 2004, Home Office February 2005.

⁸ Bell K, Jarman N and Lefebvre T, Migrant Workers in Northern Ireland, Institute for Conflict Research Belfast 2004.

⁹ Brücker H et al, Potential Migration from Central and Eastern Europe into the EU15 – an update, A Report for the European Commission, DIW Berlin 2003.

¹⁰ Dustmann C et al, The Impact of EU Enlargement on Migration Flows, Home Office Online Report 25/03 London 2003.

economic factors in EU accession countries, suggests that migrant labour is likely to remain an important feature of the UK labour force for the foreseeable future.

Issues raised by the migrant worker labour force in rural areas

Migrant workers have been the subject of increasing interest and concern in recent years. Nationally, that interest has been generated by matters such as the Government's initiatives to control the activities of Gangmasters and unscrupulous employment agencies in the labour market and the wider political debate around the Government's policies on immigration and sustainable economic growth. Individual events such as Morecambe Bay in 2004 have provided a tragic human interest dimension to the wider policy agenda.

At the regional and local levels, heightened awareness of migrant workers has also been ensured by their increasing numbers in the labour force, an associated increased visibility in local communities, especially in rural market towns, and, on occasions, reported incidents of harassment and racial tension involving members of the migrant worker community.

The problems and issues facing migrant workers in rural areas have not been the subject of any comprehensive or systematic national study and analysis. However, a sufficient body of evidence exists which can demonstrate the nature and scale of some of the problems migrant workers face and the challenges which this poses for service providers.

It must be emphasised from the outset that the problems and challenges faced by migrant workers are not uniform across all sectors and grades of occupation. Whilst unskilled and semi-skilled migrant workers and their families are perhaps the most vulnerable members of

the migrant labour force, higher status professional migrants also experience difficulties, albeit of a different kind and intensity.

Migrant worker issues

The issues that migrant workers present at rural Citizens Advice Bureaux seldom exist in isolation. Issues are inter-related and often form part of a wider, more complex set of factors which need to be understood. For that reason, it is sometimes difficult to distinguish between a discrete, free-standing problem and one which is a symptom of a wider set of variables and factors.

For the purposes of this exercise, a thematic approach has been taken to the identification of migrant worker problems. Although such an approach runs the risk of underplaying the inter-connections between issues, it reflects the fact that issues and problems are often presented as discrete matters. Moreover, despite widespread acknowledgement that these issues need to be addressed in an integrated, holistic manner, pragmatism more often determines to the contrary.

Employment

It is perhaps obvious that employment and employment-related issues should feature prominently on the agenda of migrant workers. Migrant workers can face a number of problems and difficulties in the labour market, which include:

Problems with employment agencies and gangmasters such as:

- inaccurate representation of the nature of jobs available to the migrant worker, levels of pay, and holiday entitlements etc.
- inadequate information provided on matters such as the migrant worker's rights, entitlements and obligations
- a lack of transparency and proportionality surrounding the deductions made by the

Agency from earned income to cover costs of housing, transport, administration etc.

- failure to honour commitments on matters such as skills development and training.

Lowestoft Citizen Advice Bureau reports the experience of a worker recruited in Portugal by a UK recruitment agency. At recruitment meetings in Lisbon, the agency promised a seven day working week of 60 hours with transport and rented accommodation provided at £40 per week. On arrival in the UK, the worker was placed in a job requiring use of cutting machinery in which he was untrained. Accommodation was shared and overcrowded and net pay for the first week was £20.50 after deductions of £50 deposit, £75 rent and an administration charge of £20.

South Gloucestershire CAB reported the case of four Indian nurses, each of whom paid the equivalent of £3,510 to an agent who said that he would arrange for them to have a six-month adaptation course which would qualify them to work as nurses in Britain. There was neither a written contract to this effect nor a written receipt for the payments made. The nurses came to the UK on six-month student visas. On arrival they were informed that they would have to pay a further £3,000 each to do the course. They could not afford this so the agent arranged for them to work as care assistants. He kept most of their wages which the nurses hoped would go towards the additional £3,000 needed for the course. When the six-month visas expired the agent took their passports and promised to arrange for them to be extended. In the meantime, the nurses had to stop work and were being supported by relatives.

Problems with employers for instance:

- refusal to honour holiday and sickness entitlements and statutory wage rates
- provision of poor quality working conditions and standards
- refusal to recognise qualifications and work experience of migrant workers in terms of the status and wage levels of the jobs allocated
- unfair dismissal
- denial to migrant workers of small privileges enjoyed at work by local workers.

A Midlands CAB reported the case of a Polish student and girlfriend who were found work on a farm by an agency that arranges work for foreign students. The wages paid were below the Agricultural Wages Board rates and when they complained, they were dismissed and required to leave the accommodation that went with the job.

Torquay CAB reported the case of a migrant worker being dismissed from his job in a restaurant without explanation. He did not receive the contractual one week's notice or pay in lieu, nor was he given the proportional holiday pay to which he was entitled. As he could not find another job, his worsening financial circumstances required him to leave the UK and return home. Consequently, he was unable to take his case to an Employment Tribunal due to the cost and administrative difficulties of trying to handle the tribunal from abroad.

North Wilts CAB reported the case of a woman from Belarus employed to work as a General Practitioner on a 36 month work permit. Travel costs and accommodation were provided and she was given a contract. She was dismissed after some six weeks but was given no written explanation for her dismissal and

no notice, even though her contract entitled her to a four week period of notice. Her final pay was inaccurate, hours worked had not been paid for, the wrong pay scale had been used in the calculations and no pay was given in lieu of notice. As a result of losing her job, the woman also lost her accommodation. As she has no recourse to public funds, she had to live off her final income payment.

A Polish national sought the help and advice of Haslemere and Cranleigh District CAB. She was employed in a home for the elderly as a Health Care Assistant for a probationary period of six months. After a review, she was downgraded to the post of a domestic worker on a lower salary and for fewer hours. Although given no reason for her demotion, she was reluctant to challenge the decision as she needed the job and the accommodation that went with it.

Northampton CAB reports the case of a Polish citizen employed in a distribution warehouse who is required to work harder and longer hours with fewer breaks compared with local workers doing the same job. She is reluctant to make representations to her employer as she is on a temporary contract and is frightened she would lose her job.

Problems with fellow workers including:

- harassment and racially prejudiced behaviour
- exclusion from staff social events

The Institute of Conflict Research in Northern Ireland reports incidents of harassment of and/or discrimination against migrants at work. These include being referred to as 'criminal asylum seekers' by colleagues, being denied small privileges granted to indigenous

employees such as toilet breaks outside of authorised breaks and being excluded from staff social events.

Housing

As the provision of accommodation is often part of the 'package' offered to migrant workers by agencies and employers, housing issues figure prominently on the list of problems that they experience. Housing options available to migrant workers can be classified under the following headings:

- Tied housing
- Private rented/social housing
- Owner occupation.

The available evidence identifies a number of permutations in the tied housing arrangements experienced by migrant workers. These range from the conventional model where the employer is also the landlord through to circumstances where the landlord is an independent third party and the employer acts as a facilitator between worker and landlord.

In circumstances where the migrant worker operates through an agency, the agency either provides the accommodation directly, or acts as the manager/rent collector for a property that is owned by an independent third party.

The problems and issues associated with tied housing are many and varied and include:

- the job/house tie means that loss of job results in loss of accommodation/homelessness for the migrant worker
- a lack of continuous employment often leads to rent arrears and debt with associated harassment, threat of eviction etc.
- accommodation provided is often poor quality, sub-standard and over-crowded
- available accommodation is most commonly suitable only for single adults

and, as such, inappropriate to the needs of families

- with agency managed housing, the absence of a tenancy agreement undermines security of tenure
- rent levels are often well above the equivalent in the private rented sector and especially so in situations where rent is deducted from wages on a fixed pro rata basis. In such circumstances, rent becomes a variable which increases when the worker earns more money, e.g. because of overtime.

Norwich and District CAB reported the case of a Hungarian national who, with his wife and son, are all employed by a food processing and distribution company. They have two rooms and the shared use of facilities in a flat. For this, charges against earned income are £45 fee plus £75 rent per person per week. After two weeks full employment, the son was left with £16 after deductions.

Taunton and District CAB reported the case of a Portuguese national who came to the UK with his wife for work. Having signed a service contract with an employment agency based in East Anglia, the couple were sent to work on a fish farm in Berwick. They received very low wages and were each charged £57 per week to share a room (excluding food). The rent burden, together with the deposit and the administration charges, left the couple with very little money on which to live.

Wymondham CAB in Norfolk was approached for help by a migrant worker living in rented property that was managed by his employer. The accommodation was shared with another adult each of whom paid £173, a total of £346. Following attempts to evict them, a subsequent court case ruled that if the clients continued to pay

their rents, they could not be evicted. After that ruling, the employer increased the rent to £350 per person. Whilst the worker was willing to pay a fair rent, he feared that any further action by him was likely to increase the level of harassment at work.

Untied Rented Accommodation

Migrant workers seeking accommodation, especially the lower paid, share some of the problems experienced in that housing market by indigenous unskilled and semi-skilled workers including:

- the affordability of private sector rents, especially in relation to eligibility for or limits imposed on Housing Benefits
- the need for a deposit and the payment of rent in advance (usually one month)
- insecurity associated with tenancy agreements that usually specify one month's notice
- the quality and standard of housing being made available to migrant workers in the private rented sector
- in the social housing sector, issues surrounding eligibility for housing depending on the status of the migrant including the right to reside.

Taunton and District CAB was approached for help by a Portuguese worker living in shared rented accommodation with his partner who was seven months pregnant. He worked part-time but due to late payment of four weeks wages, he got into three weeks rent arrears. As a result, he was being threatened by his landlord. The accommodation was in multiple occupancy with a six month tenancy agreement. The couple occupied one room with shared kitchen and bathroom facilities for which they were charged £90 per week. The worker was unable to claim Housing Benefit or Council Tax

Benefit due to the fact that he did not have a National Insurance Number as his application had not been processed by the Department for Work and Pensions (DWP).

Owner occupation

Higher income, often professional, migrant workers wishing to enter owner occupation can face problems from banks and building societies which are reluctant to provide loans to clients on a time-limited work permit with no guarantee of extension or renewal

Public services, benefits and entitlements

For migrant workers coming to work in the UK, the acquisition of a National Insurance Number is a priority consideration. It not only legitimises their position in the labour market but it also enables them to access a range of state benefits and entitlements. The possession of a National Insurance Number can also be vital in terms of workers' ability to open a bank account, open a pension fund or even work as a volunteer as a National Insurance Number is often required for security checks.

Migrant workers can face a number of problems relating to National Insurance registration. These include:

- lack of knowledge/awareness of their need to obtain a National Insurance Number and/or the procedure for doing so
- misinformation by employment agencies and employers on the need for registration
- protracted procedures and delays in the process of National Insurance registration with resulting problems and difficulties in accessing benefits and entitlements.

Research by the Institute for Conflict Research in Northern Ireland highlights the case of a Portuguese worker employed by an agency, which informed her that they (the Agency) had applied for a National Insurance Number on her

behalf. When it had not arrived six months later, the worker was informed by the agency that her date of birth was her National Insurance Number. Realising that this was incorrect, the worker initiated her own actions to secure registration.

Benefits and entitlements

EU Regulations enable workers and members of their families who move within the EU to take with them their acquired rights to social security and health care. As indicated earlier, such arrangements also apply to members of the EEA and Switzerland.

In the context of the current EU Member States, the Government introduced the Workers' Registration Scheme in May 2004, for EU nationals from the eight East European accession countries (Cyprus and Malta are not included in the scheme). Nationals from these eight accession countries coming to work in the UK are required to register which will prove that they have permission to reside and work in the country. Entitlement to benefits such as income support, job seeker's allowance, state pension credit, housing benefit and council tax benefit for Accession 8 Countries is governed by the need to satisfy the right to reside conditions.

Work permit holders and working holidaymakers are admitted to the UK on the condition that they do not have recourse to public funds. In effect, this means that they cannot claim certain benefits that include child benefit, disability living allowance, working tax credit, housing benefit, income support and jobseeker's allowance. Work permits for these workers are stamped 'No recourse to public funds'.

The issues surrounding access to and eligibility for benefits and entitlements are often a source of problems and challenges for migrant workers. These include:

- difficulties in understanding the full range of benefits and entitlements available and the eligibility criteria and procedures for accessing them
- employers' lack of understanding/refusal to acknowledge a range of employees' rights in relation to work and related issues
- procedural delays.

South Keveston (Stamford and Grantham) CAB reported the case of a migrant worker with three dependent children who has permanent residency status and is employed full-time on a relatively low income. She was taxed on an emergency code and was unable to meet her financial commitments. This resulted in the threat of eviction and the build-up of other priority and non-priority debts. The CAB calculated that her entitlement to child and working tax credits along with housing benefit and the necessary adjustment to her income tax coding would have enabled her to achieve a balanced budget. However, the worker was not aware of these entitlements. Her employer did not appear to have requested a P45 or provided a P46 to enable the deduction of the correct income tax. Neither were the issues of working tax credit or child tax credit made known to the employee.

Reading CAB reported the case of a Portuguese national living in the UK, with his wife and two children, who had been unemployed since early January 2005. Inland Revenue confirmed that the worker was entitled to two working tax credit payments for the three months up until January 2005. His employer had failed to make this payment on the grounds that 'they didn't understand tax credits'. Whilst reporting and subsequent follow-up of this matter with the Inland Revenue initially produced a helpful response, latterly the case was passed to the Underpayment Section. They

declined to provide an update on the progress with the case, an estimate of how long the employee might have to wait for payment or contact details for anyone in the Underpayment Section who might help.

Immigration issues

Given the diverse range of criteria and conditions governing the rights (or not) of migrants to work in the UK, issues surrounding their immigration status can sometimes feature prominently on the agenda of migrant workers.

Although many of the reported issues surrounding immigration status often relate to undocumented workers, a number of situations and circumstances can present problems to those who are in the country legitimately. Significantly, many of these problems can be created by the government departments and agencies most directly involved and/or by professionals who claim specialist knowledge or expertise in immigration related matters.

Key issues and concerns include:

- problems with getting change(s) to a work permit and associated difficulties of changing jobs
- provision of incorrect information/advice about the immigration status of a worker
- lack of clear and concise explanations from departments and agencies.

Runnymede CAB cites the case of a South African national who came to work in a care home in Dorset. She left that employment and went to work in a County Council run home. The worker reminded the employer of the need to apply for a change in her work permit and was assured that all was in hand. After three months she was instructed not to come to work as the Council needed two weeks to sort out her work

permit after which she could re-apply for her job. No formal dismissal was given but the worker was given the contact details of an employment agency. Following discussions between the agency and the care home management, the woman was placed back in the care home. After one month she completed a new application form but received no response. After a period of 10 months whilst still employed by the agency in the care home she completed a new application and was given the job after an interview. A work permit was then applied for but in December 2004 the application was refused. Due to the protracted procedure, the original work permit ran out in November 2004 as a result of which the worker had no job and was at risk of being classified as an overstayer (subject to appeal).

Newport CAB reported the case of a Romanian national working in the UK as a work permit dependant. Incorrectly, she made an application to remain as a work permit holder. The application was rejected by the Home Office who informed the employer accordingly. When the employer enquired if the worker could continue to work as a work permit dependant until the designated expiry date, the Home Office wrongly advised the employer that she could not. At that point, the employer terminated the employment.

Cross-cutting issues

In addition to the catalogue of specific issues identified above, the problems migrant workers face are often exacerbated by:

- communication problems due to insufficient command of English
- insufficient understanding of procedures, practices and legalities of matters such as motor insurance and certification

- a culture of fear which often prevents the worker from seeking help lest it results in loss of job, accommodation etc. [The right to work/right to reside regime has, to an extent, exacerbated this problem due to the migrant worker's need to avoid having a break of more than 30 days in employment during the first 12 months.]
- a work-dominated existence which curtails opportunities to develop social interaction with local communities who themselves are sometimes cautious of or even hostile to any such interaction.

Community cohesion issues

The arrival of significant numbers of foreign language speaking migrant workers in rural communities and market towns can be a source of tension and conflict with the host community. At a micro-scale, that tension is evident in the reports from some Citizens Advice Bureaux of overcrowding in waiting rooms due to high numbers of migrant workers seeking help and advice. Research undertaken in 2003 in West Norfolk for Norfolk County Council identifies a number of cases of conflict including:

- Chinese workers being spat on and abused by locals when getting off the work buses at the end of the day
- Portuguese workers being racially abused when they have tried to visit local pubs
- migrant workers being ignored when they have tried to get service in local shops.

National and regional media have also highlighted the problems of abuse and attacks on Portuguese migrant workers in Thetford during the concluding stages of the European Cup competition in 2004.

The extent to which these experiences are widespread in all rural areas, acting as hosts to migrant workers, is not clear. However, there are often circumstances where the views

and opinions held about migrant workers by locals are often informed by inaccurate and misleading assumptions and rumours about the comparative levels of rights and privileges enjoyed by both groups.

The challenges posed for service providers by migrant workers

Notwithstanding their growing importance in the economic life of the country, the employment of an increasing number of migrant workers has resulted in an increase in demand on a number of service providers. Like many service providers, Citizens Advice Bureaux report that in some localities, the scale of that increase has been very significant in recent years with the result that migrant workers now represent at least 25 per cent of the total clients for some bureaux.

Whilst much of that growth has been the result of self-referral, there is evidence to suggest that a proportion is due to decisions by other bodies and agencies to redirect/refer requests to them for help and advice to their local Citizens Advice Bureau. This raises important questions not only about the implications of this growth for Citizens Advice Bureaux resources but also about the ownership of the migrant worker agenda and the extent to which it is shared (or not) by all the bodies and agencies who need to be involved.

A survey of rural Citizens Advice Bureaux in 2005 sought to identify, amongst other things, the nature and extent of the challenges which migrant workers pose for advice service providers. The challenges identified by these bureaux are common to many service providers in rural areas.

Over 90 Citizens Advice Bureaux identified migrant workers amongst their clients, with 22 per cent identifying no particular challenges in ensuring their services were

available to migrant workers. For other respondents, the nature of the challenges posed by migrant worker communities can be classified into five broad categories which will be familiar to many service providers.

- Communications
- Availability of the service
- Management of business
- Staff related issues
- Changing nature of problems

Communications

Communication issues are often seen as the major challenge posed by the increasing number of migrant workers, particularly language barriers arising from a poor command of English. This poses two particular problems for service providers:

- Difficulties in understanding the true nature and extent of the problem(s) on which the client is seeking help, information, support or advice.
- Difficulties in ensuring that the client fully understands the support available, or information and advice being given and its implications for his/her situation.

The latter difficulty is often exacerbated by a general lack of understanding amongst some migrant workers of their rights and entitlements, the rules and procedures governing their access to them, and their associated expectations.

Given the dominance of communications/language barriers, it is not surprising that the need for and the availability and cost of interpretation and translation services are significant issues. For many, the main challenge is the absence of anybody in the locality who is able and willing to provide the interpretation/translation service that is required. For others, the issues surround the need to depend on volunteers with associated problems of their availability when required.

For yet others, the issue is one of the dependability of interpreters. For the majority of respondents, however, the key concern is the affordability of available services. Although access to Language Line is recognised as an option, the cost of that service is cited as a real barrier to its regular use. Similar concerns are expressed about the costs of employing professional expertise.

Whilst many rural bureaux have adopted innovative and imaginative approaches to providing interpretation and translation, it remains a major challenge for many service providers, a challenge which increases with the increasing cultural and linguistic diversity of the migrant labour force.

Availability of information and advice services

The growth in the number and diversity of migrant worker clients also brings new demands on the level and extent of services provided. The complexity of the advice needs of migrant workers, and especially those relating to changing immigration rules and procedures and associated rights and entitlements, means that in-house knowledge and expertise is often not sufficient to provide the required level of expert advice needed.

The additional costs of acquiring the necessary information and advice from external sources can impose significant additional cost burdens on organisations that are already financially hard-pressed. This tends to be magnified in the more remote rural areas where the necessary expertise is both absolutely and relatively scarce due to the fact that it is held by a comparatively small number of specialists who operate from larger geographically distant urban centres.

There are also often difficulties in getting the specialist information from relevant departments and agencies who have overall responsibility for a particular policy area. Whilst some of these problems concern the accessibility of help lines and call centres,

there are some concerns expressed by bureaux about the levels of expertise and understanding of key policies and regulations held by employees of the relevant government departments and agencies at national, regional and local levels.

Management of services

Increasing numbers of migrant worker clients often pose challenges for organisations and the management of their services. Larger numbers of clients with language needs result in longer consultation/advice sessions and consequently increased waiting times for other service users. This, together with a reported tendency for migrant workers to attend sessions in groups can also lead to overcrowding which in turn can be a source of stress and subsequent tension between migrant workers and other service users.

Issues for the organisation and management of services can also arise as a result of the work patterns of migrant workers. Their need to make appointments outside of working hours and/or the pattern of shift working regimes can make it difficult for them to make and keep appointments.

Staff-related issues

Linked partly to issues of business management, there can be problems of increasing pressure on staff and resultant stress associated with the increasing number and diversity of the client base. Such problems are sometimes exacerbated by high levels of concern/frustration experienced by staff and volunteers about the adequacy of the help and support that they feel able to give migrant workers.

The changing nature of client problems

The migrant worker population has not only increased numerically in recent years but the nature of the issues is also changing. In some areas, changing recruitment strategies by employment agencies, gangmasters and employers introduce new migrant labour with

different languages, cultures and family structures. The impact of EU enlargement in May 2004 and evolving immigration rules and procedures are identified by some bureaux as a further challenge.

Approximately 58 per cent of bureaux identified immigration as one of the key issues on which migrant workers seek advice. Whilst employment issues remain a major concern for migrant workers, problems surrounding housing, benefits and immigration are identified by bureaux as being equally prevalent on the list of issues on which bureaux are asked to advise migrant workers.

Overcoming the challenges

In response to many of these challenges, rural Citizens Advice Bureaux have come up with a variety of ways to ensure their services are available to migrant workers in their rural community. Many of these initiatives are detailed in the Citizens Advice publication *Supporting Migrant Workers in Rural Areas – a guide to Citizens Advice Bureaux initiatives*.

Summary and recommendations

The increasing dependence on migrant workers to meet specific skill shortages and/or to do the jobs that the indigenous labour force are unwilling to accept has posed and will continue to pose a number of significant challenges for local service providers in rural areas.

As a free, impartial and independent source of information and advice across an increasingly diverse range of issues, Citizens Advice Bureaux are clearly a front-line service as far as the migrant worker agenda is concerned. To sustain that position requires bureaux to continue to develop, update and refine the knowledge and expertise of its in-house staff and volunteers to meet a growing and more demanding agenda. The changing nature and

scale of those demands also requires the continuing input of independent experts and other external sources of expertise. Satisfying both of these requirements has serious resource implications which are already being reported by some bureaux.

Citizens Advice believes that more resources need to be allocated to agencies working with migrant work communities, to help them not only meet current demands, but to ensure issues are dealt with now, rather than left, aggravating problems in the future.

Many migrant workers contribute to their 'home' economy by sending money home to support their families. As such, actions to support economic growth in poorer EU countries should recognise the value of this substantial income transfer to migrant workers' country of origin.

Citizens Advice believes that there needs to be recognition that migrant workers coming to relatively affluent economies within the EU need support and assistance in those countries. EU funding should follow the migrant workers, as well as being focussed on those countries that are in most need of economic growth. Action to support migrant workers must encompass action to tackle discrimination and racism which these workers face, whilst enabling them to have access to information and advice, access to health and other public services, access to housing, and access to help and support to set up in business.

It should be emphasised, that the increasing demands on bureaux resources are not solely the result of the organisation's growing reputation within the migrant labour force. Although difficult to quantify with any precision, there is some evidence to suggest that the increasing bureaux caseload on migrant workers also derives from referrals from other bodies and agencies, some of

whom arguably should be taking more ownership of the agenda themselves. The nature of problems experienced by the migrant workers means it should be a truly shared agenda. The solutions to the problems and issues raised by that agenda are often well beyond the scope and competencies of individual organisations, no matter how dedicated and committed they may be.

Citizens Advice believes that all agencies should be encouraged to take responsibility for issues relating to migrant workers, rather than constantly seeking to refer the issue and individual to another organisation.

The contribution of Citizens Advice Bureaux and their achievement in dealing with migrant workers issues are not universally acclaimed by all the participants in the migrant worker debate. Efforts by a bureau to enlighten migrant workers about their rights and entitlements and the obligations of employers and agents are often derided by unscrupulous agencies and gangmasters. In some cases, migrant employee contact with the CAB has been forbidden by employers and agencies with dismissal being the price of disregarding that sanction. In such circumstances, the challenge to the CAB posed by its migrant workers caseload becomes as much an issue of how they handle that caseload as much as what it contains. Unfortunately many migrant workers continue to be exploited and more should be done to stop their exploitation.

Citizens Advice believes that the evident extent of the exploitation of migrant workers, as well as that of especially

vulnerable indigenous workers, in many sectors of the economy requires a step change in the Government's response. The Government needs to ensure a compliance with statutory workplace rights and more effective enforcement action against rogue employers and employment agencies. More specifically, the Government should extend the more accessible and pro-active compliance regime already associated with the National Minimum Wage to a range of basic employment rights, through the establishment of a Fair Employment Commission. Such a Commission would work alongside the Employment Tribunal system (including ACAS) and in partnership with the Small Business Service, the Health and Safety Executive, the Gangmaster Licensing Authority, the forthcoming Commission for Equality and Human Rights and other governmental agencies. A Fair Employment Commission could ensure a more joined-up system of advice, guidance and practical business support for small employers, as well as a more pro-active (but educational rather than punitive) approach to compliance and, where necessary, enforcement.

Migrant workers are often wrongly perceived to be an urban phenomenon in the UK, despite making a large contribution to the rural economy, and are often exploited. The service providers in rural areas that are trying to help migrant workers are already financially hard pressed and need greater support to ensure that they are able to deliver their services to the communities that need them.

Key contacts:

Gerard Crofton-Martin

National Rural Development Officer
0191 2333909
gerard.crofton-martin@citizensadvice.org.uk

Adrian Galvin

Social Policy Campaigns and Development Officer
01223 356322
adrian.galvin@citizensadvice.org.uk

Richard Dunstan

Social Policy Officer for Immigration and Employment
020 7833 7115
richard.dunstan@citizensadvice.org.uk

The Citizens Advice service helps people resolve their money, legal and other problems by providing free advice and information, and by influencing policy makers.

CAB advisers:

- interview clients – face-to-face in bureaux, in community venues, at home and by phone - to find out what the problems are and help to prioritise them
- write letters or phone companies and service providers on behalf of clients
- help clients to negotiate with companies or service providers such as creditors or to appeal against decisions
- help with form filling, for example, to claim for social security benefits
- represent clients in court and at tribunals
- refer clients with complex problems to CAB specialist caseworkers or to other agencies when appropriate
- collect evidence about their client's problems to campaign to improve services.

Researched and written by Brian McLaughlin

We are grateful to Barclays plc and Defra for the ongoing financial support towards Citizens Advice's rural work.

Published in December 2005 by Citizens Advice

Myddelton House
115-123 Pentonville Road
London N1 9LZ
Telephone: 020 7833 2181
Fax: 020 7833 4371
www.citizensadvice.org.uk

Citizens Advice is an operating name of The National Association of Citizens Advice Bureaux

Registered charity number 279057